THE COCHIN CO-COPERATIVE LAND MORTGAGE BANK REGULATION AMENDMENT BILL.

Preamble.

WHEREAS it is expedient to amend the Cochin Co-operative Land Mortgage Bank Regulation, XXV of 1111, it is hereby enacted as follows :—

Title and preamble were put and carried.

Mr. Thomas Manjuran.—I beg to move that the Bill be taken up and finally passed tomorrow.

Mr. K. P. Kannan Nayar *(Joint Secretary to Government).*—I second it.

Motion was put and carried.

The Cochin Co-operative Societies Bill.

Mr. K. Narayana Menon *(Registrar of Co-operative Societies).*—Sir, I beg to move that the Cochin Co-operative Societies Bill as amended by the Select Committee* be taken up for consideration. I need not submit, as I have already said, that this bill had been for a long time before this Council and the public and that everybody interested in it is more or less familiar with all its provisions. Even the Select Committee after a thorough consideration could not make any material alterations whatsoever. In fact what we have done is to copy the Madras Act with minor changes to suit our local conditions. The important changes relating to the Act are those with regard to the amalgamation and bifurcation of societies, the power of the Registrar to execute decrees and to order conditional attachment of properties and a freedom to societies to change their liability and one or two other minor things. I think these salutory changes will bring much benefit to the societies and the movement will certainly improve in its tone, morale and working. I do not think that this occasion demands any detailed examination of those provisions one by one by me at this stage. I therefore request the House to take up the Bill for consideration.

Mr. K. P. Kannan Nayar *(Joint Secretary to Government).*—I second it.

Mr. E. Ikkanda Warriar *(Urakam).*—Sir, I had sent one or two amendments. I do not find them in the agenda. I pray

* Vide Appendix.

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that the bill may be taken section by section. My amendments relate mainly to section 47.

Mr. President.—The Hon'ble Member must give a copy of his amendments at least now.

Mr. E. Ikkanda Warriar *(Urakam).*—I sent it long before the holidays. I shall generally state it. It is for the omission of section 47 (A) (1) and (2).

Motion that the Cochin Co-operative Societies Bill as amended by the Select Committee be taken into consideration was put and carried.

Clauses 2 to 8 were put and carried.

Mr. T. S. Balarama Ayyar *(Trichur North).*—I beg to move an amendment to section 9, sub-section 3.

In line 2 between the words 'or' and 'on' insert the words 'the societies'

As it is, a person cannot make an application on behalf of another person. I believe the words 'the societies' are omitted there.

Mr. K. Narayana Menon. *(Registrar of Co-operative Societies).*—I have to oppose that amendment. There is no society as such before it is registered.

Mr. T. S. Balarama Ayyar *(Trichur North).*—The new society may be registered by some individuals as members or by some other societies as members.

Mr. President.—The word 'persons' may mean individuals as well as societies.

Mr. T. S. Balarama Ayyar *(Trichur North).*—Then the words 'on whose behalf' need not be there. When the members apply in their individual capacity they will have to supply the necessary information. But when they apply on behalf of a society, the society has to supply the necessary information.

Mr. President.—The best course seems to be that the Hon'ble Member may discuss the matter with the Registrar. If it is a change in language it can be dealt with in the third reading stage. I suggest to the Hon'ble Member that he need not move the amendment now. According to the Hon'ble Member, it is a defect in language. Therefore I think you should be able to convince each other whether it is necessary or not. All these defects can be dealt with at the third reading. These

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are only minor mistakes and not any amendment of great substance. I would suggest to the Hon'ble Member that he need not press this motion now and this can be done at the third reading.

Clause 9 was put and carried.

Mr. T. S. Balarama Ayyar *(Trichur North).*—I move that in section 10 last line substitute the word 'receipt' for 'issue'. In the subsequent one or two sections also the word 'issue' occurs. But in section 50 the word used is 'receipt'. I think it would be advantageous to use the word 'receipt' instead of the word 'issue' in these sections also.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri).*— I second it.

Mr. K. P. Kannan Nayar *(Joint Secretary to Government).*—You want an extention of time?

Mr. T. S. Balarama Ayyar *(Trichur North).*—It will be only a matter of three or four days. I don't think it matters much.

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—If the cover is returned unserved then what could be done?

Mr. T. S. Balarama Ayyar *(Trichur North).*—The same trouble would arise with regard to section 50 also.

Mr. K. Achyuta Menon *(Diwan Peishkar).*—There is a difference between the two sections. The first is an application presented by a party and the other is an order passed behind their back.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri).*— In case the Registrar refuses to register a society will not that be communicated to the parties?

Mr. K. P. Kannan Nayar *(Joint Secretary to Government).*—Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri).*—What is the harm in making it the date of receipt instead of the date of issue?

Mr. K. Achyuta Menon *(Diwan Peishkar).*—In case of limitation generally the wording is so many months from the date of the order. So in this case also it is put down like that.

Amendment was by leave withdrawn.

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Clause 10 was put and carried.

Clauses 11 to 21 were put and carried.

Mr. T. S. Balarama Ayyar *(Trichur North).*—Sir, before I move the amendment standing in my name I wish to be enlightened on the following point. I will first read the section retaining only as many words as are necessary to make my point clear "Any debt owing to a society by any member shall be a first charge upon lands purchased or improved in whole or in part with the loan given by the society'. Suppose I have given a loan of Rs. 1,000 on the security of land to a person taking a regular mortgage deed from him say about 5 years ago. After this bill is put on the Statute book he becomes a member of a society and somehow or other manages to get a loan of Rs. 1,000 from that society. He spends that money on improving the land on which I have got a first charge. Not being very clever in properly spending the money the value of the land is not increased in proportion to the amount spent by him. The member is unable to repay his debts and the land is brought to sale and fetches only Rs. 1,500. I want to know if section 22, as it is, is placed on the Statute Book, do I stand to get my Rs. 1000 and the Society the balance of Rs. 500 or will the society get their thousand rupees and myself the remaining 500 rupees.

Mr. K. Achyuta Menon *(Diwan Peishkar).*—I think, Sir, that the loan advanced by the Society will be a first charge provided the Society can prove that the whole of that amount was utilised for improving the land.

Mr. T. S. Balarama Ayyar *(Trichur North).*—The value of the land has not increased by the improvements.

Mr. K. Achyuta Menon *(Diwan Peishkar).*—In other words you are begging the question of the word 'improvements'. In law the word 'improvement' has got a certain meaning. Anything which adds to the value of the property will be an improvement. If the society proves that the value of the land has increased then to the extent to which the value has increased, the Society will get.

Mr. T. S. Balarama Ayyar *(Trichur North).*—Suppose he is not clever enough to spend the money properly. The land is sold on account of his incapacity to pay the money to the society. The society does not look to the way in which the money has been spent. Even though he has actually spent the whole amount, do I stand to get my thousand rupees. That is my doubt.

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Mr. K. Achyuta Menon *(Diwan Peishkar).*—I think the Society is entitled only to the extent of the value of the improvements made by the debtor. In other words a court may hold that the improvement is only to the value of 500 rupees.

Mr. C. R. Iyyunni *(Trichur South).*—There are very many cases where a large amount of money has been spent for the improvement of land but when the property is sold along with the improvements existing at the time of the loan it will not fetch the money spent and the price which it would have fetched at the time of the loan. That is to say, suppose at the time a loan was granted a property was worth thousand rupees and a further thousand rupees was spent for the purpose of improvements. After the property is sold the market price will be less than the original value of the land plus the value of the improvements effected on that, i. e., 2000 rupees. In that case what will be the condition of the first mortgagee? I think the amendment prosposed is necessary to get over this difficulty.

Mr. A. Sankara Menon *(Tripunithura).*—The point raised by this amendment is a very serious matter and not at all a light one.

Mr. T. S. Balarama Ayyar *(Trichur North).*—Sir, I may be permitted to move that it may be referred back to the Select Committee to reframe it.

Mr. K. Achyuta Menon *(Diwan Peishkar).*—The point was raised in the Select Committee and we considered the whole thing.

Mr. T. S. Balarama Ayyar *(Trichur North).*—Sir, then I may be permitted to slightly change the amendment proposed by me and allowed to move that instead of deleting the section only subsections 3, 4 and 5 be omitted.

Mr. T. K. Nayar *(Pazhayannur).*—I second it.

The House rose for lunch at 12-55 p.m. and reassembled at 2-30 p.m. with the Deputy President (M. R. Ry. A. Sankara Menon Avl., B.A. & B.L.) in the Chair.

* **Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—Sir, I suppose the fear is that since loans have been advanced by the co-operative society the existing prior debts on account of mortgage or otherwise may be destroyed. If that is the fear, as none else can exist, I think a slight modification of the language of sub-sections (3), (4) and (5) should be enough.

* Speeches not corrected by the Hon'ble Member.

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For instance, take sub-section (3): "(3) Upon lands purchased or improved in whole or in part with the loan given by the Society".

Deputy President.—I want to know whether these clauses are contained in the Madras Act and in our old Regulation.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I understand that clauses (3), (4) and (5) do not exist in the Madras Act or in our Regulation. Suppose a land is purchased for Rs. 1000 by part of the money advanced by a society. Should not the co-operative society get priority with regard to this amount? Being a co-operative society we are giving certain advantages to it.

Mr. P. Raman Menon *(Mulakunnathukavu).*—But not at the sacrifice of others.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Even if there is a prior mortgage, I think the co-operative society is entitled to get a priority over such mortgage.

Deputy President.—I think I will now put the question to the vote. The motion is to delete subsections (3), (4) and (5) of clause 22.

Motion was carried.

Clause 22 as amended was put and carried.

Clauses 23 to 32 were put and carried.

Deputy President.—There is an amendment to section 33 standing in the name of Mr. Balarama Ayyar.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri).*—Mr. President, with your leave, Sir, I will move the amendment which reads thus: "Omit the words 'agricultural produce' and substitute therefor 'that which the society is intended to foster". Suppose there is a society intended to foster things other than agricultural, for example weaving or bell metal, it must be possible for the members of that society to take loans for the purpose for which the society was started without the sanction of the Registrar. I commend the amendment to the House.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—That amendment, Sir, has to be opposed. I will explain. These societies may not be always run by very good businessmen or even by men who understand things like credit and all that. Now agricultural produce is an item very well

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known to all our ryots who are expected to be benefited by this Bill. Suppose a society takes it into its head to advance money for the purpose of making brass vessels. Is it not advantageous to the society concerned to have the advice and help of the Registrar? What possible objection can you have for that? After all the Registrar is the head of the Movement. He is directly interested in the development of the department.

Mr. A. Eachara Menon *(Chittur Rural).*—Jack of all trades!

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—The ryots are in a much better position to know the implications of agricultural produce than in the case of industries and things like that. After all in a village society, who are the members? A few ryots. They know how much paddy will be produced in a field and when it is to be reaped. The Registrar is the proper person to know whether a society is successfully run or not. Why should there be an atmosphere of distrust when it is said that the sanction of the Registrar is required for the advancement of loans? I am sure Hon'ble Members will agree with me that there is absolutely no question of principle involved in that. It is only additional supervision or protection imposed by the Regulation which can only react to the benefit of the society.

Mr. T. K. Nayar *(Pazhayannur).*—What we say is, if it is a weaving society, a society which is intended for catering to the needs of weavers alone, they must be allowed to grant loans to the members of the society without the sanction of the Registrar.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Hon'ble Members are aware of the disastrous effects of the transactions which have ruined village societies. How many poor people who never knew the implications of the movement have been ruined? Take for example the Village of Vadavucode. I had something to do with it. How many people were ruined there, because they without much restraint began to advance money right and left. Take the case of the Azhikal Vala Society. Their fishing stakes had all to be sold. There are several societies more now on a moribund condition, all because of the irresponsible and careless advance of money. In cases where the security offered is a mere trifle, a few looms, brass vessels or articles like that, is it not an additional safety that the Registrar should investigate individual cases and afford or withhold sanctions according to his pleasure?

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Mr. T. K. Nayar (*Pazhayannur*).—The Registrar need not register such a society. If a society is registered, then that society must be able to give loans for the purpose for which that society is started.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—By all means advance money, but take the additional precaution of giving the Registrar a chance of saying, 'No'. Hon'ble Members may be aware that in village societies often times the voice of one leading man may prevail. We want only to see that these societies do not go into disrepute. After all the Registrar is the man who is interested in the movement.

Deputy President.—As the section now stands any society could advance money on agricultural produce without the sanction of the Registrar. If this amendment is introduced it will be imposing a restriction in so much as societies intended to foster particular industries could advance loans only on pledging those particular articles. Therefore the result will be that if the society is not intended for the support of agriculture they cannot give loans without the sanction of the Registrar. That will be introducing a restriction.

Mr. P. Raman Menon (*Mulankunnathukavu*).—Suppose the weavers of Kuthampilly started a society to foster their needs as weavers. They are not agriculturists. Some of them want loans. Will the society be able to give the loan?

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—No, without the sanction of the Registrar. Whatever may be the nature of the society, only loans will be advanced on agricultural produce.

Mr. K. P. Kannan Nayar (*Joint Secretary to Government.*)—To me it appears that the Hon'ble Members are labouring under a misapprehension so far as this matter is concerned. The House must consider the implication of the first clause. "A registered society shall not make a loan to any person other than a member: provided that with the general or special sanction of the Registrar a registered society may make loans to another registered society". So that in order that a loan may be granted to another registered society the sanction of the Registrar is absolutely necessary. The second clause refers only to loans given to individuals. Now suppose an individual wants to start a concern of his own the solvency of which is open to serious doubt. In order that the managing committee may be free from the blame of personal influence, would it not be better for

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the safety of the society itself to give loans with the sanction of the Registrar?

Mr. K. Narayana Menon *(Registrar of Co-operative Societies).*—Ordinarily for taking a loan from a society the member has not to pledge anything. Personal security is sufficient. If a society is to give a loan on the pledge of anything it should be an agricultural product. Take the case of a society which advances money on the security of jewels. It has a managing committee and its members are subject to re-election every year. Suppose some of the members pledged guilt or rolled gold jewels. If it is found out the new managing committee will put the blame upon those who have gone out. It is to prevent such fraudulent transactions that the previous sanction of the Registrar is provided for.

*മിസ്റ്റർ ടി. കെ. നായർ *(Pazhayannur).*— സർ, ഈ സെക്ഷൻകൊണ്ടുള്ള ഉദ്ദേശം എന്താണെന്നു ഞങ്ങൾക്കു മനസ്സിലാകുന്നില്ല. ഇപ്പോൾ ഒരു സൊസൈറ്റിയിൽനിന്നു പണം കടമെടുക്കണമെങ്കിൽ ഒരു മെമ്പറെ ജാമ്മ്യക്കാരനായി നിറുത്തണം. പുതിയ സെക്ഷൻപ്രകാരം അഗ്രികൾച്ചറൽ പ്രോഡ്യൂസ് പണയമായിട്ടു കൊടുത്താൽ ഏതെങ്കിലും ലോൺ എടുക്കാം. ഒരു മെമ്പർ ഒരാളെ ജാമ്മ്യം കൊടുക്കുന്നതിനു പകരം അഗ്രികൾച്ചറൽ പ്രോഡ്യൂസ് കൊണ്ടുവന്നാൽ പണം കൊടുക്കുവാൻ വിരോധമില്ല. ഏതുദ്ദേശത്തിനുവേണ്ടി സൊസൈറ്റി സ്ഥാപിച്ചുവോ ആ ഉദ്ദേശത്തിനുള്ള സാധനങ്ങൾ പണയം വെച്ചാൽ പണം കൊടുക്കുവാൻ സാധിക്കണം. ഒരു ബെൽമെറ്റൽ സൊസൈറ്റിയുണ്ടെങ്കിൽ അതിന്മേൽ അവക്കു പണം കൊടുക്കണം. അതുപോലെതന്നെ വീവിംഗ് സൊസൈറ്റി തുടങ്ങിയാൽ അതിന്മേൽ പണം കടംകൊടുക്കണം. അതല്ലേ സൊസൈറ്റിയുടെ ഉദ്ദേശം? ഓരോ സൊസൈറ്റിയിലും ഉണ്ടാക്കുന്ന സാധനങ്ങൾ കൊണ്ടുവന്നാൽ പണം കടം കൊടുക്കണം. ഈ ബിൽ പാസ്സാക്കിയാൽ കുഴപ്പം വരുകയില്ലെന്നുണ്ടോ? കുത്താംപിള്ളിയുടെ കാര്യം എനിക്കറിയാം. ഓരോ സ്ഥാനത്തു് ഓരോ ആൾമാറിവരുമ്പോൾ സ്വഭാവം മാറിവരുന്നുണ്ടു്. അമൻറുമെൻറിൻെറ ഉദ്ദേശം ഗവമ്മെണ്ടു മനസ്സിലാക്കിയാൽ കൊള്ളാം. ഇതുകൊണ്ടു് ഉദ്ദേശം നടക്കുകയില്ല. സൊസൈറ്റി തട്ടാൻ സൊസൈറ്റി ആണെങ്കിൽ തട്ടാൻ സാധനങ്ങളിന്മേൽ പണം കൊടുക്കണം.

ഒരു അഗ്രികൾച്ചറൽ സൊസൈറ്റി തുടങ്ങി അഗ്രികൾച്ചറൽ പ്രോഡ്യൂസ് ക്രടാതെ വേറെ സാധനത്തിന്മേൽ പണം എടുക്കണമെങ്കിൽ രജിസ്ട്രാരുടെ സാങ്ക്ഷൻ വേണമെന്നു പറയുന്നതിൻെറ അർത്ഥം എനിക്കു മനസ്സിലാകുന്നില്ല.

Speech not corrected by the Hon'ble Member.

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Mr. C. R. Iyyunni *(Trichur South).*—On a point of information I would like to know whether any society can be registered for a dozen or two dozen objects.

Mr. K. Narayana Menon *(Registrar of Co-operative Societies).*—Yes. The Hon'ble Member for Pazhayannur is labouring under a fallacy.

Mr. T. K. Nayar *(Pazhayannur.)*—I may be.

Mr. K. Narayana Menon *(Registrar of Co-operative Societies).*—If it is a society for bell-metal workers or weavers, the necessity for pledging these articles does not arise at all, because in a weavers' society the main object is to purchase the yarn wholesale and distribute it amongst them so that they may have all the advantages of cheap yarn and good quality. In the case of bell metal also it is the same thing. The material is purchased at the cheapest market. The finished articles are disposed off by the society in the most favourable market to the advantage of the workers so that there is no necessity to pledge anything.

മിസ്റ്റർ ടി. കെ. നായർ *(Pazhayannur).*— ഞാൻ ഒന്നു ചോദിക്കട്ടെ. ഒരു വീവിംഗ് കോഓപ്പറേറ്റിവ് സൊസൈറ്റി സ്ഥാപിച്ചിട്ട് അതിലെ അംഗങ്ങളുടെ ധനസ്ഥിതി കുറെ നന്നായി, അവരുടെ കയ്യിൽ കുറെ മുണ്ടുണ്ട്. ആ മുണ്ടു പണയംവച്ചാൽ പണംകിട്ടുവാൻ തരമുണ്ടോ?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Sir, it is not as the Hon'ble Member for Pazhayannur stated that in every case a loan is given to the individual, the special sanction of the Registrar is to be taken. Of the numerous societies some societies would be authorised according to the discretion of the Registrar to lend money on moveables. Suppose for instance, if a society is being managed by irresponsible people, then the Registrar will withhold sanction. But on the other hand if it is agricultural produce it is a notorious fact that any ryot will be able to appraise the value of the produce. How is the amendment now proposed going to help the societies? What possible advantage could the Government have in this matter? These provisions are copied from the Madras Act. I can quite understand if a reference has to be made to the Registrar in every individual case. That is not what is meant. The Registrar will authorise particular societies to deal with moveable properties where the societies concerned are being run by respectable and responsible people with some business acumen. This is a very valuable safeguard especially because

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we have had very bitter lessons on account of the squandering tendancies of the co-operative societies in the State. We do not want the poor ryots all over the State to get into serious difficulties. Already there is the general allegation against co-operative societies that they are debt creating media. Therefore I submit that this protection is highly necessary.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri).*— I submit, Sir, if on the pledge of agricultural products a society can advance loans without the sanction of the Registrar, for the very same reason on the pledge of the articles for the fostering of which the society is established, amounts could well be advanced by the society without the sanction of the Registrar. I cannot draw that subtle line of distinction between agricultural products and articles for the fostering of which a society is started. If agricultural products are good security for advancing money without the sanction of the Registrar the articles for the fostering of which the society is started are sufficient security. The line of distinction so cleverly drawn does not appeal to me. In that view I do not find my way not to press this amendment. Hence I move that the amendment be accepted.

* **Mr. C. R. Iyyunni** *(Trichur South).*—Sir, I want to make one point clear. I can understand that if a society is formed with a number of objects which are not going to be immediately put into operation and if the society is to launch on a scheme for the practical working of all the objects together, the Registrar's sanction is necessary. But if a society is formed for one particular purpose and for the purpose of fostering one industry, if members of that society cannot on the security of the articles manufactured get loans without the Registrar's sanction, certainly that state of affairs is something that is very unsatisfactory and unsound. When a society can advance money on personal securities, then why should there be so much of fear entertained in giving the loans when at least some articles are pledged for the loans advanced. Not only that. Here the persons who are actually letting out the money are the persons who must see that the pledge is satisfactory or not. Here it is only a sanction of the Registrar that is given. He does not look into every transaction that is being done by a society. If it is only the general sanction that is given by the Registrar he has to be satisfied only with the persons who are actually giving the loan on the pledge of articles, that they are decent people and of a business bend of mind. Here it is the case of a society the object of which is to foster some industry and if the members

* Speech not corrected by the Hon'ble Member.

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of that society cannot get loans on the strength of the pledge of articles that they have made, there is practically no use of a society like that. What is absolutely necessary is that the Registrar should not permit one society to start with a number of objects which they may not be in a position to carry out. Of course if such a state of affairs is existing, certainly there must be in the hands of the Registrar power to put a stop to the launching upon of a number of objects. What I beg to submit is that the amendment as it stands has to be passed by this House.

Mr. A. Narayana Menon *(Vyttila).*—Sir, the amendment has the laudable object of encouraging cottage industries. But we should remember that in section 4 it is said that the liability of a society will be limited. Co-operative societies need not always be lending their own money. There may be deposits from other societies or from non-members. Suppose a society takes it into its head to lend money without considering the sufficiency or otherwise of the security; then the society or individual that has lent the money to the former one may be placed in a very great predicament. If the money is lent on agricultural products you have got a sure security. On the other hand if it is only on weaving looms or some such thing like that that loans are made the security may turn out to be insufficition. So discretion may be left in the hands of the Registrar who I suppose will certainly come forward to encourage cottage industries. As was suggested here the sanction that is intended under the clause does not mean sanction in individual cases, but only general sanction. When sanction is given by the Registrar to register a particular society that sanction would mean sanction to lend money to members to carry on the objects of the society. So I think there is not much in the amendment and that we are not going to gain anything by the passing of this amendment. On the other hand we may lose considerably. We ought to consider the interests of the leading societies. So I oppose the amendment.

*മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South).*— സർ, മദ്രാസ് ആക്ടിലെ പ്രൊവിഷനിൽ വല്ല കാരണവുമുണ്ടായിരിക്കാം. ആ കാര്യം എന്താണെന്ന് ഇപ്പോഴത്തെ ഗവൺമെണ്ടിന്റെ പ്രസംഗംകൊണ്ടു മറ്റു ള്ളവർക്കു മനസ്സിലാക്കുവാൻ സാധിക്കുമെന്നു തോന്നുന്നില്ല. കൊവാപ്പറേറിവ് സൊസൈറ്റിയുടെ ഒരു വലിയ പ്രിൻസിപ്പിളിന് എതിരായിട്ടാണ് ഇപ്പോൾ ഗവൺമെണ്ടു പറഞ്ഞിരിക്കുന്നത്. പക്ഷേ ഇപ്പോൾ പറഞ്ഞിടത്തോളം കാരണംവച്ചുകൊണ്ട് ഇതു സപീകരിക്കുവാൻ

* Speech not corrected by the Hon'ble Member.

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നിവൃത്തിയില്ല. ലാമെമ്പർ അവർകൾ പറഞ്ഞതുപോലെ അഗ്രികൾച്ചറൽ പ്രോഡ്യൂസും ഈ അമെൻറുമെൻറും തമ്മിലുള്ള വ്യത്യാസം മനസ്സിലാകുന്നില്ല.

പിന്നെ അഗ്രികൾച്ചറൽ പ്രോഡ്യൂസിനു മാത്രമല്ല ഇൻറസ്ട്രീസു നടത്തേണ്ടതു്. എല്ലാ വ്യവസായങ്ങളേയും പോഷിപ്പിക്കണം. അതിനുള്ള തടസ്സങ്ങളെ നീക്കണം. അഗ്രികൾച്ചറൽ പ്രോഡ്യൂസിലും വളരെ നല്ലതാണു് ബെൽമെറൽ. നെല്ലാണെങ്കിൽ പൊട്ടിപ്പോകും, നേന്ത്രക്കായാണെങ്കിൽ ചീഞ്ഞുപോകും. ബെൽമെറലിനാണു് അധികം ഈടുള്ളതു്. ഇതു് റജിസ്ട്രാർ സമ്മതിക്കുന്നുണ്ടോ?

ബെൽമെറൽ സൊസൈറിയാണെങ്കിൽ ബെൽമെറു സാധനങ്ങൾ കൊണ്ടുവന്നാൽ പണം കൊടുക്കാമെന്നാണു ഞാൻ വാദിക്കുന്നതു്. അവർ എവിടെനിന്നെങ്കിലും ഓടിവാങ്ങി പണിത സാധനംവച്ചു പണം കൊടുക്കുവാൻ വിരോധമുണ്ടോ? മദ്രാസ് ആക്ടു് ഇതിൽ ചെലുത്തിയിരിക്കുന്നതുകൊണ്ടു് ഇതിനെ പിൻതാങ്ങുമോ എന്നു് എനിക്കു സംശയമുണ്ടു്.

മിസ്റ്റർ പി. സി. വക്കി (*Ernakulam North*).— സർ, രജിസ്ട്രാർ അവർകളുടെ സാങ്ഷനോടുകൂടി സൊസൈറിയിൽനിന്നും പണം കടമെടുക്കാമെന്നാണു് ഈ ബില്ലിൽ വ്യവസ്ഥചെയ്തിട്ടുള്ളതു്. രജിസ്ട്രാരുടെ സാങ്ഷനോടുകൂടി പണം കടം കൊടുക്കണമെന്നുള്ള വ്യവസ്ഥ മാറണമെന്നാണു് ചിലരുടെ വാദം. രജിസ്ട്രാരുടെ സാങ്ഷൻ വേണമെന്നു പറഞ്ഞാൽ വ്യവസായത്തിനു കടം കൊടുക്കുവാൻ പാടില്ലെന്നു അർത്ഥമുണ്ടോ? അങ്ങിനെയൊരു അർത്ഥമുണ്ടെന്നു എനിക്കു തോന്നുന്നില്ല.

മിസ്റ്റർ കെ. അയ്യപ്പൻ (*Ezhuvas South*). — അതു തൃപ്തികരമാണോ?

മിസ്റ്റർ പി. സി. വക്കി (*Ernakulam North*) — അതിനെപ്പറ്റി പറയാം. കോ-ഓപ്പറേറീവു് രജിസ്ട്രാർ വ്യവസായങ്ങളെ സഹായിക്കാൻ തടസ്സമുണ്ടാക്കുന്ന ആളാണെന്നു നമുക്കുദ്ദേശിക്കുവാൻ തരമില്ല. വ്യവസായത്തിൻറെ അഭിവൃദ്ധിയേയും പ്രചാരത്തേയും ഉദ്ദേശിച്ചാണു് നാം ഇപ്പോൾ സൊസൈറി നടത്തിവരുന്നതു്. ആ നിലക്കു രജിസ്ട്രാരുടെ മേൽനോട്ടം വേണമെന്നു പറയുന്നതിനു കുറെക്കൂടി വിവേകത്തോടുകൂടി പ്രവൃത്തിക്കണം എന്നതിൽ കൂടുതലായ അർത്ഥമുണ്ടെന്നു എനിക്കു തോന്നുന്നില്ല. കൃഷിത്തൊഴിലും വ്യവസായങ്ങളും വേണ്ടത്ര അഭിവൃദ്ധി പ്രാപിച്ചിട്ടില്ലാത്ത ഈ രാജ്യത്തു അവയുടെ മേൽനോട്ടത്തിനു ഒരാളെ നിയമിക്കുന്നതു അബദ്ധമാണോ? അതുകൊണ്ടു വ്യവസായികൾക്കു കടം കൊടുക്കുന്ന വിഷയത്തിൽ രജിസ്ട്രാരുടെ മേൽനോട്ടം വേണമെന്നു നിശ്ചയിക്കേണ്ടതു് ആവശ്യമാണു്. രജിസ്ട്രാരുടെ മേൽനോട്ടമുണ്ടായാൽ വ്യവസായികൾക്കു കടം കിട്ടാതെ

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വരുമെങ്കിൽ ആ വ്യവസ്ഥയെ ഞാനും എതിർക്കും. അങ്ങിനെ വരാൻ തരമില്ല. നമ്മുടെ നാട്ടിലുള്ള വ്യവസായങ്ങളുടെ ശൈശവാവസ്ഥയും, നമ്മുടെ ആളുകൾക്കു വ്യവസായത്തിലുള്ള പരിചയക്കുറവും ആലോചിച്ചാൽ ഉത്തരവാദിത്വമുള്ള ഒരു ഉദ്യോഗസ്ഥന്റെ മേൽനോട്ടമുള്ളതു് ഈ സൊസൈറ്റിയുടെ ക്രമമായ നടത്തിപ്പിനു ഗുണകരമായിരിക്കുമെന്നാണു് എന്റെ അഭിപ്രായം. അതുകൊണ്ടു ഈ ഭേദഗതിയെ അനുകൂലിക്കുവാൻ ഞാൻ ന്യായം കാണുന്നില്ല.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ (*Ezhuvas North*).— സർ, നിസ്സാരമായ സംഗതിക്കു സമയം ഇത്രയും കളയേണ്ട ആവശ്യമില്ല. കാഷ്ടികോല്പന്നങ്ങളിന്മേലല്ലാതെ വേറെ ഏതെങ്കിലും സാധനങ്ങളിന്മേൽ പണം പരസ്പരസഹായ സംഘങ്ങളിൽനിന്നും കൊടുക്കണമെങ്കിൽ രജിസ്ട്രാരുടെ സാംഗ്ഷൻ മേടിക്കണമെന്നാണു് ഈ നിയമത്തിൽ പ്രസ്താപിച്ചിട്ടുള്ളതു്. കയറുവ്യവസായം, ബെൽമെറൽ വ്യവസായം എന്നിങ്ങിനെയുള്ള പ്രധാന വ്യവസായങ്ങളോടു തീരെ വിരോധം കാണിക്കുവാൻ കാരണമെന്താണെന്നു മനസ്സിലാകുന്നില്ല. കാഷ്ടികോല്പന്നങ്ങളെപ്പോലെ Bell metal മുതലായ സാധനങ്ങൾക്കും വേഗത്തിൽ കേടുവന്നുപോകാത്തതാണോ ഇതിനു കാരണമെന്നു് ഊഹിക്കേണ്ടിയിരിക്കുന്നു. ഇക്കാലത്തു കൂടിൽ വ്യവസായത്തെ ഉൻമൂലനം ചെയ്യുന്ന നയം സൊസൈറ്റികൾ സ്വീകരിക്കാൻ വിചാരിക്കുന്നതു് ഒരിക്കലും അഭിലഷണീയമായി എനിക്കു തോന്നുന്നില്ല. കൂടിൽ വ്യവസായത്തെ മുളയിൽത്തന്നെ നുള്ളി നശിപ്പിക്കുന്ന നിയമങ്ങളും പ്രസ്ഥാനങ്ങളും രണ്ടു കൊല്ലത്തോളമായി ഗവർമ്മെണ്ടുണ്ടാക്കിത്തുടങ്ങീട്ടു്. കാഷ്ടികോല്പന്നങ്ങൾക്കും ഒഴിച്ചുള്ള സാധനങ്ങളെ പണയപ്പെടുത്തുന്നുകായ്മ പറഞ്ഞപ്പോൾ ഗവമ്മെണ്ടു് ഒരു സംഗതി പറഞ്ഞു, അതായതു തക്കവിലക്കുള്ള സാധനങ്ങൾക്കും പണയംവെക്കേണ്ടിവരുമെന്നു്. സംഘത്തിൽനിന്നും വാങ്ങിക്കുന്ന പണം ഏതുവിധമായാലും വസൂൽചെയ്യുവാൻ ബുദ്ധിമുട്ടനേരിടാത്തവിധം അതു സാധനങ്ങൾക്കും പണയം വാങ്ങേണ്ടതു് അത്യാവശ്യമാണു്. ഏതുദ്ദേശത്തോടുകൂടി സൊസൈറ്റിസ്ഥാപിക്കുന്നുവോ ആ ഉദ്ദേശം നിലനിൽക്കത്തക്കവണ്ണം ചെയ്യുന്നതിൽ ഗവമ്മെണ്ടിനു് എന്താണു വിരോധം. ഞാൻ പിടിച്ച മുയലിനു് കൊമ്പു നാല്പു് എന്നു ശഠിക്കുന്ന മനോഭാവമാണു് കുറച്ചുകാലമായിട്ടു ഗവർമ്മെണ്ടു് അംഗീകരിച്ചുകാണുന്നതു്. മനുഷ്യൻ നിയമത്തിനുവേണ്ടിയല്ല മനുഷ്യനുവേണ്ടിയാണു നിയമം എന്നു ഗവമ്മെണ്ടു മനസ്സിലാക്കണം. പൊതുജനക്ഷേമത്തിനും പൊതുജനരക്ഷക്കും ആണു നിയമം എന്നുണ്ടെങ്കിൽ ജനക്ഷേമത്തിനുതകുന്ന, ജനങ്ങളുടെ സൌകര്യത്തിനു അത്യന്താപേക്ഷിതമായ ഈ ഭേദഗതി ഗവർമ്മെണ്ടു സ്വീകരിക്കേണ്ടതു് ഏറ്റവും ആവശ്യമാണു്. ഈ ആവശ്യമില്ലാത്ത വാദപ്രതിവാദം കളയണം.

മിസ്റ്റർ വി. കെ. കുട്ടി (*Muslims*).— ഞാൻ ഈ ഭേദഗതിയെ

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അനുകൂലിക്കുന്നു. ഇപ്പോൾ റജിസ്ട്രാർ അവർകളുടെ അനുവാദത്തോടുകൂടിയേ പണം കൊടുക്കുവാൻ പാടുള്ളൂവെന്നുള്ള സംഗതിയെപ്പറ്റിയാണ് കാര്യമായി ഇവിടെ വാദം ഉള്ളതായിക്കാണുന്നത്. ഈ സ്ഥാപനം നടത്തുന്നതു പൊതുജനങ്ങളാണ്. പണവും പൊതുജനങ്ങളുടെ വകയാണ്. പൊതുജനങ്ങളാൽ തിരഞ്ഞെടുക്കപ്പെടുന്ന കമ്മിറ്റിക്കാർ മുമതലവഹിച്ചു നടത്തുന്ന ഒരു സ്ഥാപനമായിരിക്കുന്ന സ്ഥിതിക്ക് ഉത്തരവാദിത്വമുള്ള ആ കമ്മിറ്റിയുടെ ആലോചനയ്ക്കുപുറമെ ഒരു ഗവൺമെണ്ടുദ്യോഗസ്ഥന്റെ അധികാരവുംകൂടി നടത്തണമെന്നു പറയുന്നതിനെ അനുകൂലിയ്ക്കുവാൻ നിവൃത്തിയില്ല. ജനങ്ങൾക്കാവശ്യമായ അധികാരങ്ങൾ കുറേശ്ശെ കുറേശ്ശെയായി ഗവൺമെണ്ടിൽനിന്നും അവർക്കു വിട്ടുകൊടുത്തുവരുന്ന കാലമാണിതു്. അങ്ങിനെ പൊതുജനങ്ങൾക്കു കൊടുക്കുന്ന അധികാരം അവർ ശരിയായി വിനിയോഗിക്കുന്നുണ്ടോ എന്നുള്ളതു് അന്വേഷിയ്ക്കേണ്ട മുമതലമാത്രമേ ഗവൺമെണ്ടിനുള്ളൂ. കൂടുതൽ കൈകടത്തേണ്ട ആവശ്യം ഗവർമ്മെണ്ടിനില്ല.

The amendment was put and lost.

Clause 33 was put and carried.

Clause 34 was put and carried.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*).—As the nominee of Mr. T. S. Balarma Ayyar I move the following amendment to clause 35 sub-section 1 (c). "Between the words 'Society' and 'provided', insert the words 'approved by the Registrar.' An additional safeguard is intended to be introduced by this amendment. As it is we are co-operating with the co-operative Registrar.

Mr. K. M. Kunhi Moideen (*Kattur*).—I second it.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Government have no objection.

Amendment was put and carried.

Clause 35 as amended was put and carried.

Clauses 36 to 47 were put and carried

Mr. E. Ikkanda Warriar (*Urakam*).—Sir, I move for the omission of section 47 A, clauses 1 and 2. I shall read the section. I may at the very outset say that there is no corresponding section either in Madras or Bombay and I had no opportunity to look into the other Acts. I think that there is not this provision in other Acts also. I shall read.

'47 (A) (1). On receipt of the order of cancellation the managing committee of the society shall, at once hand over charge of all records and properties

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of the soceity, to the liquidator appointed. In case the managing committee of the society whose registration is cancelled refuses to do so, the Magistrate within whose jurisdiction the particular society functions shall, on application by such liquidator, take all necessary measures to secure the records and properties for the liquidator.

(2). If the managing committee of a society is reconstituted in a meeting of the general body of the society or if the managing committee is dissolved by the Registrar under section 44 and if the outgoing members of the old committee refuse to hand over charge of the records and properties to the new committee or the person or persons appointed by the Registrar under section 44, the new committee or the person or persons appointed by the Registrar under section 44 as the case may be, may apply through the Registrar of co-operative Societies to the Magistrate within whse jurisdiction the society functions, to secure charge of the records and properties of the society, and the Magistrate on receipt of such application shall secure charge of the same and hand them over to the new committee or the person or persons authorised by the Registrar as the case may be''

This is the section. The attempt in this section is to get the services of the Magistrate to get possession of the records from outgoing committees in certain particular cases. In the case of cancellation of a society if the society does not hand over the records for whatever reasons the services of the Magistrate will be requisitioned and he shall take all necessary measures to secure the records and properties of the society. In the same way, if there is an election this year and if there is a bona fide dispute over that election and the society is split up into two bona fide sections the Registrar or the incoming committee members can request the local Magistrate and through him get possession of the records in the possession of the other committee. My submission, in the first place, is that no such provision is necessary. It was not thought necessary for the other Presidencies. We managed to do without it for the last 20 or 25 years during which this Co-operative Societies Regulation was in force. This gives very wide powers to the Magistrate. We do not know by whatever means the Magistrate will hand over the records. There is no option given to the Magistrate. The Magistrate shall do it. Even if the Magistrate is convinced that it is a bona fide dispute between the two committees the Magistrate has no option. He has simply to go there and get possession of the records and hand them over to the persons concerned. No procedure is prescribed as to how the Magistrate could enforce his orders. 'To take all necessary measures' is a very vague term. He shall secure the records. That is certain. He can invade the house of the committee Members, he can terrorise the whole lot there and even burn the house if he is so pleased because he shall secure possession of the records. (*A voice:* How can he burn the house for getting possession of

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the records?.) I am only drawing the pointed attention of the House that such vague and indefinite powers are given to the Magistrate. The Magistrate is not given any discretion to make enquiries and come to a conclusion whether a particular party is in the right or a particular party is in the wrong. He is not given that power. The long and short of it is that the outgoing committee will be treated as a band of bandits. Somehow or other secure possession of the records of the society. It may be by fair means or by foul. Suppose the wrong is on the other side. What happens if the Magistrate takes possession of the records from one committee and hands them over to the other committee. That other committee may even tamper with the records to the detriment of the outgoing committee. It is not also stated that the meeting in which the election is held ought to be a lawfully conducted one.

The Hon'ble the President occupied the chair at this stage.

I, therefore, say that this is a wide power which is very likely to be abused by the authorities concerned. I submit that it is not necessary. It may be asked in cases where they do not hand over the records to the incoming committee what is the Registrar to do. There are provisions in the very Act for that. If the Registrar or the authorities concerned gives an order asking them to hand over the records and other papers to the committee and if they do not do it they can be punished under other sections of this Act. I refer to section 53, (A and B), 53 (B) particularly. That is also a new provision incorporated in the present Act. It deals with offences. This is what it says: "It shall be an offence under this Regulation if (a) a registered society or an officer or member thereof, wilfully makes a false return or furnishes false information; or (b) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Regulation or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Regulation" If that is made an offence, if the Registrar or any other competent authority entitled to get possession of the records or to get other things done lawfully makes a request, by a written order and if that order is disobeyed it is made an offence and penalty is provided for in one of the subsequent sections. It is section 56. "Any registered society or any officer or member there or any other person guilty of an offence under this Regulation for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees". The refusal to hand over the records is made an offence under this Act and a punishment also is provided for. Under these circumstances it is not necessary to give this extraordinary power to the Magistrate or other persons concerned in the matter. So

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far as the proper working of the societies are concerned I do not think it would be absolutely necessary to bestow them with such powers. Our societies managed to do their work till now without such a provision. Other Governments are managing and I do not know why our State cannot manage to do without it. I therefore request the House to seriously consider the whole aspect of it. It is a movement which entirely depends upon the exertions of the non-officials and anything which is likely to harass or wound their susceptibilities and self-respect will recoil back upon the movement itself by its inability to get proper persons to work them. I, therefore, say that in the interests of the movement to give such wide powers to the Magistrates and other persons concerned is absolutely harmful.

Mr. V. K. Krishnankutty *(Anthikad)*.—On a point of information, Sir, how many cases as contemplated by the section have arisen since the Co-operative Registrar took charge of the Department?

Mr. K. Narayana Menon *(Registrar of Co-operative Societies)*.—Very recently there were three cases. There have been a number of cases before. It was to avoid such a contingency that Mr. Devadhar recommended that something of this sort should be done.

Mr. V. K. Krishnankutty. *(Anthikad)*.—Is it contained in the Devadhar Report?

Mr. K. Narayana Menon. *(Registrar of Co-operative Societies)*.—No, Sir, he did not touch legislation.

Mr. Thomas Manjuran. *(Government Advocate and Law Officer)*.—Sir, Government are constrained to oppose this amendment. The Hon'ble Member for Oorakam proposes that the second sentence in section 47 (A) (1) and the second clause in section 47 (A) may be deleted.

Mr. E. Ikkanda Warriar *(Urakam)*.—I have tabled three amendments. The first is to omit the whole of section 47 (A) (1) and (2) and if by some chance I am not able to carry through the amendment, my idea is to propose the second. That is to omit the second sentence of section 47 (A) (1) and even if that is also not possible, my third-amendment is to omit clause (2) of section 47 (A).

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—I am afraid not one of these amendments will on examination find the acceptance of the House. What are the provisions which are attempted to be amended? Section 47 (A)

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lays down that in cases where either a liquidator duly appointed by the Registrar or a succeeding managing committee demand of the outgoing committee to surrender the records and the properties of a particular society that are with them and when the outgoing committee refuses to surrender such property, property which they have absolutely no manner of right to keep with them, the moment they went out of office, this section provides that in such cases, the magistrate should beapproached and he should secure possession of the properties and hand them over to the proper authorities who are by law competent to retain them. Now, I fail to see how this is in any way an extraordinary or unnecessary provision. This is only what happens in all properly constituted institutions and offices. Suppose it is a case of a Government servant. We are not asking for anything to be done other than what is done in the case of a delinquent Government servant. Suppose the Treasury Officer in charge of the Cochin Kanayannur Treasury runs away with some money and public records. What will the Government do? Will the Government keep quiet and file a civil suit and try to secure all his properties or will the Government take criminal action against him. The securing of the property is highly important for the interests of the State. So also suppose a delinquent committee walks away with the books of the society, and the moneys and other properties of the society. How can Hon'ble Members seriously say that it would be a violent inroad into the liberties of the society and individuals, to proceed ni a summary manner to get those properties out of them. I really do not understand. And this provision is embodied in the Bill as the result of bitter experience. This provision is recommended by no less a person than the late lamented Mr. Devadhar. In the absence of such a provision I respectfully ask the Hon'ble Mover to suggest a feasible method of getting at the records and properties of the societies situated in the circumstances stated by me. I know of cases in which outgoing committees of societies in connection with which liquidators had been appointed kept with them the books of the societies concerned for months together and converted what was really a debt due from the committee to the extent of about 1000 or 2000 rupees into a credit in their favour to the extent of a few thousand rupees. Does the Hon'ble Member for Oorakam want to encourage these things? I thought the Hon'ble Member for Oorakam always stood for the integrity of the local bodies.

Mr. E. Ikkanda Warriar (*Urakam*).—I still do. Are they not under the control of the Registrar?

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Mr. Thomas Manjuran *(Government Advocate and Law Officer)*,—Are they not under the control of the Registrar? It will be like the old Nambudiri gentlemen who said "What if the box is stolen? I have got the key". What is the earthly use of saying that the delinquent committee was once upon a time under the control of the Government?

Mr. E. Ikkanda Warriar *(Urakam)*.—They cannot keep the records for two years and go on concocting accounts.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—The Registrar says that they have done it for a longer period. Hon'ble Members, what possible justification can there be for this amendment? How can you say that it is an inroad into the right of the delinquent committee whose clear duty was to surrender the property?

The only argument that was put forward is that this provision does not exist in either the Madras or Bombay Acts. I thought that it was an exploded justification. Only five minutes ago in supporting a proposed amendment the Hon'ble Member for South Ezhuvas said 'No doubt, such a provision exists in the Madras Bill. But as we do not know why it existed, we oppose it".

Sir, this is the lesson of bitter experience. Converting a debit of two thousand to a credit of two or three thousand rupees leisurely within one or two years! Government do not want to victimise anybody. I do not think any further argument is required. Here the only party that may possibly be affected will be the misbehaving or delinquent committee.

Mr. A. Eachara Menon *(Chittur Rural)*.—Why do you say delinquent? Alleged delinquent.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—But that committee will have its own relief. When there is a general election and a new committee is appointed for all practical purposes of law that committee must be considered to be the proper committee. No doubt, that committee may be liable to be removed. For purposes of this Regulation the liquidator or the incoming committee recognised by the Registrar must be deemed to be properly constituted persons. I am sure Hon'ble Members will vote out this amendment if it is pressed to a division. With regard to the question as to how the Magistrate should function Government will very well regulate his action by framing rules.

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*മിസ്റ്റർ ടി. കെ. നായർ (*Pazhayannur*).— എന്റെ മാന്യസ്നേഹിതൻ ബഹുമാനപ്പെട്ട ഊരകം മെമ്പർ ൪൭ എ. എന്നുള്ള വകുപ്പു മുഴുവൻ എടുത്തുകളയണമെന്നുള്ളതിന് അദ്ദേഹം വിചാരിച്ചിട്ടുള്ള സംഗതികൾ മുഴുവൻ സാധിക്കണമെന്നുവരികിൽ ഇതിനു മുമ്പായിക്കാണുന്ന സെക്ഷൻ ൪൮-നെ ക്രൂടി എടുത്തുകളയേണ്ടിയിരുന്നു. അതു ചെയ്തിട്ടില്ല. ഈ ബില്ലിന്റെ അടിസ്ഥാനോദ്ദേശംതന്നെ രജിസ്ട്രാർ അവർകൾക്കു ക്രൂടുതലായ അധികാരം കൊടുക്കേണ്ടതാണെന്നുള്ളതാണ്. അതുതന്നെയാണ് ഇതിൽ ഏതുഭാഗത്തു നോക്കിയാലും നെടുനീളത്തിൽ കാണുന്നതു്. ഇന്നുവരെ ൧൦, ൨൦ കൊല്ലമായി നടന്നുവരുന്ന സൊസൈറ്റികൾക്ക് അന്നത്തെ നിയമപ്രകാരം രജിസ്ട്രാർ അവർകൾക്കുള്ള അധികാരം വേണ്ടപോലെ നടത്തുവാൻ സാധിക്കുന്നില്ലെന്നുള്ള ആവലാതിയുണ്ടായിരുന്നുവെന്നും, അതുകൊണ്ടാണ് അദ്ദേഹത്തിനു വേണ്ടതായ അധികാരങ്ങൾ ഇതിൽ ചെലുത്തീട്ടുള്ളതെന്നും കാണുന്നുണ്ട്. ൪൭ എ. എന്നുള്ള വകുപ്പുമാത്രം വായിച്ചാൽ എത്രത്തോളം അധികാരം രജിസ്ട്രാർ അവർകൾക്കു കൊടുത്തിട്ടുണ്ടെന്നുള്ളതു് അറിയാം. അങ്ങിനെയുള്ള ഒരു വകുപ്പിനെപ്പറ്റി നോക്കാതെ ൪൭ എ. എന്നു വകുപ്പിനെ തള്ളിക്കളയണമെന്നു ബഹുമാനപ്പെട്ട മെമ്പർ പറഞ്ഞതു ശരിയായിട്ടുള്ളതാണെന്ന് എനിക്കു തോന്നുന്നില്ല. ൪൭ എ. യിൽ പറഞ്ഞിട്ടുള്ളതു് ഇങ്ങനെയുള്ള ഒരു അധികാരം അദ്ദേഹത്തിനു് ഇപ്പോൾ വകവെച്ചുകൊടുത്തു് ആ വകുപ്പു പാസ്സായിക്കഴിഞ്ഞിട്ടുണ്ട്. രജിസ്ട്രാർ അവർകൾക്കു ന്യായമായിട്ടോ അന്യായമായിട്ടോ ഒരു സൊസൈറ്റിയിലെ മാനേജിംഗ് കമ്മിറ്റിയെ തള്ളിക്കളഞ്ഞു് അദ്ദേഹത്തിന്റെ ഇഷ്ടപ്രകാരമുള്ള ആളുകളെവച്ചു് ഒരു കമ്മിറ്റിയെ നിശ്ചയിക്കുവാനുള്ള അധികാരം നാം വകവെച്ചുകൊടുത്തുകഴിഞ്ഞിരിക്കുന്നു. ആ അധികാരം കൊടുത്തുകഴിഞ്ഞതിൽപിന്നെ ആ കമ്മിറ്റിയുടെ കയ്യിലുള്ള പുസ്തകങ്ങൾ അദ്ദേഹത്തിന്റെ കയ്യിൽ കിട്ടുവാനുള്ള നിയമവും ക്രൂടി വേണ്ടേ? അതുകൊണ്ടു് ൪൭ എ. എന്നു വകുപ്പുള്ളപ്പോൾ തീർച്ചയായിട്ടും ഈ ൪൬ എ. എന്നു വകുപ്പും ആവശ്യമായിട്ടുള്ളതാണെന്നാണ് എനിക്കു തോന്നുന്നതു്. ഒരു മാനേജിംഗ് കമ്മിറ്റിയെ സംബന്ധിച്ചു രജിസ്ട്രാർ അവർകൾക്കു വല്ല ശങ്കകളുമുണ്ടെങ്കിൽ അതിനെ മാറ്റി വേറെ ഒരു കമ്മിറ്റിയെ വക്കുവാനുള്ള അധികാരം ഉള്ളതുകൊണ്ടു് അവരുടെ കയ്യിൽനിന്നും പുസ്തകങ്ങൾ വാങ്ങിക്കുവാനുള്ള അധികാരംക്രൂടി ഉണ്ടായിരിക്കാതെ നിവൃത്തിയില്ല. പുസ്തകങ്ങൾമാത്രം വച്ചുകൊണ്ടിരുന്നിട്ടു കുഴപ്പത്തിൽവന്നിട്ടുള്ള അനവധി സൊസൈറ്റികൾ ഉണ്ടെന്നുള്ളതു് എനൊപ്പോലെതന്നെ എന്റെ മാന്യസ്നേഹിതന്മാക്കെല്ലാം അനുഭവപ്പെട്ടിട്ടുള്ള സംഗതിയാണ്. (ഹിയർ, ഹിയർ) എന്റെ അറിവു ശരിയാണെങ്കിൽ ഇതിന്റെ അവതാരകൻതന്നെ സിലക്ട് കമ്മിറ്റിയിൽ ഒരു മെമ്പറായിരുന്നു.

* Speech not corrected by the Hon'ble Member.

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മിസ്റ്റർ തോമസ് മാഞ്ഞൂരാൻ *(Government Advocate and Law Officer)*.— ആയിരുന്നു.

മിസ്റ്റർ ടി. കെ. നായർ (*Pazhayannur*).— ഒരു പുതിയ കമ്മിറ്റിയെ പഴയ കമ്മിറ്റി പുസ്തകങ്ങൾ ഏല്പിച്ചുകൊടുത്തില്ലെങ്കിൽ അതിനു പറഞ്ഞിട്ടുള്ളതായ 60 ഉറുപ്പിക ശിക്ഷക്കു വേണ്ട നടപടി നടത്തുവാനുള്ള കാലതാമസം വരുത്തുന്നതോ അതോ ബാക്കിയുള്ള റിക്കാർട്ടുകളും പുസ്തകങ്ങളും പുതിയ കമ്മിറ്റിക്കാരുടെ കയ്യിൽ ഏല്പിച്ചുകൊടുക്കുവാൻ ഇടവരുത്തുന്നതോ ഇതിൽ ഏതാണു നല്ലതു്? ർ൪ എ. വകുപ്പുപ്രകാരമുള്ള ആർഡർ തെറ്റായാലും ശരിയായാലും ആ ആർഡർ വകവെച്ചുകൊടുത്തതിനുശേഷം അതു നടപ്പിൽ വരുത്തുവാനുള്ള അധികാരവും അദ്ദേഹത്തിനു് കൊടുക്കേണ്ടതാണു്. ർ൫ എ. (൧) എന്നുള്ളതിൽ പറഞ്ഞിട്ടുള്ളതു്; ലിക്വിഡേഷനാണു്. രണ്ടാമതു് മാനേജിംഗ് കമ്മിറ്റി മാറ്റിവക്കുക എന്നതാണു്. ലിക്വിഡേഷന്റെ കാര്യത്തിൽ സംശയമൊന്നുമില്ല. പിന്നെ മനഃപൂർവ്വമായിട്ടു് ഒരു കമ്മിറ്റിയെ ചില നിയമങ്ങൾവച്ചോ മറ്റോ മാറ്റുവാനുള്ള വഴി വച്ചുകൊടുക്കരുതു്. ഒരു സൊസൈറ്റിയുടെ രജിസ്ട്രേഷൻ കാൻസൽചെയ്യുവെന്നുവന്നാൽ ലിക്വിഡേറ്റർ കണക്കു പുസ്തകങ്ങൾ ഇന്നസ്ഥലത്തു കൊണ്ടുവന്നു ഹാജരാക്കണമെന്നു രേഖാമൂലം നോട്ടീസോ മറ്റോ അയക്കാമെന്നല്ലാതെ അതിൽ കൂടുതലായ മറ്റൊരു നിവൃത്തിമാർഗ്ഗം അതിനുണ്ടാക്കണമെന്നു തോന്നുന്നില്ല. ലിക്വിഡേറ്റർ വച്ചിട്ടുള്ള കണക്കു പുസ്തകങ്ങൾ ഏല്പിക്കാത്ത അനവധി സൊസൈറ്റികളുണ്ടു്. വാസ്തവത്തിൽ ലിക്വിഡേറ്റുചെയ്യുന്നതിനുള്ള അധികാരം ഉണ്ടെങ്കിൽ അതിനെ സംബന്ധിച്ചു വേണ്ട നടപടി നടത്തുവാനുള്ള അധികാരം കൊടുക്കേണ്ടതും അത്യാവശ്യമായിട്ടുള്ളതാണു്. രണ്ടാമത്തെ വകുപ്പുപ്രകാരമുള്ള സൊസൈറ്റികളും ഈ അടുത്ത അവസരത്തിൽത്തന്നെ നമ്മുടെയിടയിൽ വളരെ ഉണ്ടായിട്ടുണ്ടു്. ഇലക്ഷൻസമയത്തു കുഴപ്പങ്ങളുള്ളതും മാനേജിംഗ് കമ്മിറ്റി ശരിപ്പെടാത്തതുകൊണ്ടു പുതിയ കമ്മിറ്റി വച്ചിട്ടുകൂടിയും ശരിയാകാത്തതുമായ സൊസൈറ്റികളുണ്ടു്. ഇതൊക്കെ ഇന്നും നടപ്പിലുള്ളതാണു്. അതു മാറണമെന്നുള്ള ഉദ്ദേശമാണെങ്കിൽ ഈ വകുപ്പുണ്ടായിരുന്നാൽ യാതൊരു കുഴപ്പവുമില്ല. പഴയ നടപടിയെ മാറ്റുവാനുള്ള ബിൽ ഉണ്ടാക്കുമ്പോൾ അതിനുവേണ്ട നിവാരണമുണ്ടാക്കാൻ നോക്കണം. അതിൽ കവിഞ്ഞതായ ഒരു അധികാരം ഇതിൽ ഉണ്ടെന്നു എനിക്കു തോന്നുന്നില്ല.

Mr. E. Ikkanda Warriar (*Urakam*).—It is true that this amending bill gives very large powers to the Registrar of the Co-operative Societies and it is also true that the existing conditions of the various societies actually demand giving him

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such vide powers. It is exactly on those grounds that I did not raise objection to many of the powers that are now proposed to be newly given to the Registrar either in the Select Committee or in this House. But to me the provision contained in section 47 (A) is unnecessary and dangerous.

I shall first try to clear the difficulties that are raised in the mind of the Hon'ble Member for Pazhayannur, viz., should there not be a provision to see that the records are handed over as soon as a society has been superceded or a fresh committee appointed. I am sure that no society will refuse to hand over the records to any man appointed by the Registrar. There cannot possibly be any trouble on this matter because you are introducing this provision for the first time. There has been absolutely no provision for supercession for the purpose of liquidation. That is the provision contained in section 44 (a). I am speaking of the difficulty raised by the Hon'ble Member for Pazhayannur. The doubt raised by the Hon'ble Member for Pazhayannur is that when the Registrar has acted under section 44, i. e., the supercession of committee for the purpose of liquidation, should not some provision be made to see that the records are handed over to the committee appointed by the Registrar. I say that a written demand may be made to the society asking the responsible officers to hand over the records to the new committee. They will do it and if they do not do it it is an offence under section 54 (b). They can be charged for the commission of an offence under section 57 also. If you file a complaint you can get the records searched. The only difference that I can think of is that in that case you will be conceding to the person concerned all the rights and privileges which he has for a fair trial. If this provision is incorporated the difference will be that you persume, as the Hon'ble Member for Law was maintaining, every outgoing committee to be a delinquent committee. I say you have to prove that there is a delinquent committee and then take action against it for that, and give a fair trial before you call it delinquent.

Mr. K. P. Kannan Nayar *(Joint Secretary to Government).*—In the interval the society must go on.

Mr. E. Ikkanda Warriar *(Urakam).*—The records can be got by search. The only difference is that you will be giving him an opportunity of a fair trial before you actually proceed against him and there will be a finding of the court that he has done a wrong. On the other hand, you arbitrarily find that here is a committee which has gone wrong, and then get the

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services of a Magistrate, summary powers are exercised, search is made, records are taken and everything will end there. Where is the opportunity for that committee to vindicate its honour, its character, its prestige?

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—Section 56 does not contemplate the question of search at all. It deals with punishing a man for contempt of order. There is no question of search.

Mr. E. Ikkanda Warriar *(Urakam)*.—I do not think I need explain the provisions of the Criminal Procedure Code to the Hon'ble Member for law. If a man is charged with an offence and if papers necessary for the proving of that offence is in the possession of the accused you can get possession of those records by applying for and getting a search warrant. If it is made an offence and a punishment is provided for in this Act a procedure is laid down in the Criminal Procedure Code for the application for and getting a search warrant. The difference between a trial contemplated by this provision and the trial that will take place in the absence of the provision is this. The man who is accused of having committed an offence will not have an opportunity to vindicate his character. On the other hand, in the usual course of things if records are taken from him and if he is properly arrayed before a court, and evidence taken and a finding is arrived at there is a satisfaction at least that a court has found him guilty. On the other hand, what is the other action. The Registrar or the incoming committee,—most probably the incoming comittee may have come into existence as the result of an election not properly conducted—may apply to the Magistrate to get possession of the records from the outgoing committee. There you do not admit the possibility of bona differences of opinion among the various committees. If committees are composed of respectable men, I am sure they will hand over the records. You are presuming that all the members of the outgoing committee are not respectful. Even if they are not, why not give them the chance of a fair trial. That is all the main point contained in this amendment. I think Hon'ble Members of the House will seriously consider that question whether we should by this deprive the right of an ordinary citizen of a fair trial before he is declared having committed an offence. Under the present rules how can the committee get an opportunity to prove its innocence before it is arbitrarily condemned.

Mr. President.—Is there any conviction contemplated under section 47?

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Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—No.

Mr. E. Ikkanda Warriar *(Urakam).*—I understand that section 47 contemplates the getting possession of the records and handing them over to the incoming committee. The insult done to them by marching a dozen or two policemen to their houses and making a search, etc., is irreparable. Is this the reward for honest non-officials taking part in Co-operative movement?

Dr. A. R. Menon *(Pallippuram).*—Suppose they do not hand over the papers.

Mr. E. Ikkanda Warriar *(Urakam).*—There are other methods provided as observed by me before. I therefore think that it is absolutely necessary that this section should be omitted.

Amendment was put and lost.

Clause 47 (A) was put and carried.

Mr. E. Ikkanda Warriar *(Urakam).*—Sir, I suggest that this section may be renumbered. Instead of 47 (A), it may be made section 48.

Mr. President.—I think section 47 (A) may be renumbered as section 48 and subsequent sections renumbered.

Clauses 48 to 51 were put and carried.

Mr. K. Narayana Menon *(Registrar of Co-operative Societies).*—Sir, I beg to move the following amendment to section 52:—

"The existing Section 52 (1) of the Bill may be changed as follows:—'Between society or its committee and any officer, agent or servant or any past officer, past agent or past servant or the nominee, heirs or legal representatives of any deceased officer, deceased agent or deceased servant of the society.'.

The main reason for the amendment is that sometimes a paid servant of the society who may be removed by the committee or the general body on account of financial stringency brings in some kind of law suit against the society usually in a court of law without the knowledge and approval of the Registrar. Naturally all the records are taken to the court and that

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means the society ceases to function. There had been numerous cases like this as for example at Koonamuchi, which has become a very famous case A small society with a working capital of 12,000 rupees had to spend about 2,000 rupees on account of the mischief committed by a servant of the Society. So this provision had been adopted in Madras in 1932. Our Bill has been pending for a long time. I request that the House may be pleased to accept the amendment.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I second it.

Amendment was put and carried.

Clause 52 as amended was put and carried.

Clauses 53 to 72 were put and carried.

Clause 1 was put and carried.

Title and preamble were put and carried.

Mr. K. Narayana Menon *(Registrar of Co-operative Societies).*—I beg to move that this Bill may be taken up and passed to-morrow.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I second it.

Motion was put and carried.

Resolution re: guarantee by Government of the debentures issued by the Land Mortgage Bank.

Mr. P. V. Subramania Ayyar *(Comptroller of Accounts).*—I beg to move the following resolution.—

"This Council recommends to Government that the debentures issued by the Land Mortgage Bank to the extent of 20 lakhs of rupees may be guaranteed by the Government both in respect of interest and principal."

Hon'ble Members may be aware that the Land Mortgage Bank has been working for 16 months now. The funds of the Bank for granting loans to agricultural debtors constitute the share certificates, deposits and other borrowings. The main source for the grant of loans is from the issue of debentures.

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